



DEPARTMENTS OF THE ARMY AND THE AIR FORCE
NATIONAL GUARD BUREAU
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ARLINGTON, VA 22202-3231

NGB-J1-TNL

12 July 2004

MEMORANDUM FOR THE HUMAN RESOURCES OFFICERS OF ALL STATES,
PUERTO RICO, THE VIRGIN ISLANDS, GUAM AND THE DISTRICT OF COLUMBIA

SUBJECT: Guidance on Assignment of Military Duties to Title 32 National Guard
Technicians (TN-04-33)

1. NGB-J1-TN Memorandum, 16 June 2004, subject as above, is rescinded.
2. NGB-HRP-B 690-700, March 1998, subject: Duty Time for Physical Fitness Programs for Technicians is rescinded.
3. The purpose of this memorandum is to provide implementing guidance regarding assignment of military duties to National Guard Technicians.
4. National Guard Technicians may attend military technical training schools in technician status to enhance technician job performance. As such, they are required to wear the military uniform and perform all activities relating to appropriate preparation, security, and maintenance of classroom facilities and equipment. Technicians will participate in appropriate leadership roles within the student organization and must satisfactorily complete the requirements pertaining to the technical training course. In general, these activities include but are not limited to classroom cleanup, class leader responsibilities, completion of all homework assignments and participation in physical fitness. Homework assignments are considered to be an inextricable part of technical training and cannot be submitted as compensatory time worked, regardless of the time required (NGB TPR 400).
5. National Guard Technicians may be assigned CWE training (the wearing and use of chemical warfare equipment) while in technician status. A recent DC Circuit Court of Appeals Decision, No. 03-1141, dated March 12, 2004, makes the implementation of this assignment "a negotiable condition of employment" for bargaining unit personnel. This means that the training is an assignment of work, however, union proposals regarding "how" this training is to be assigned may require impact and implementation bargaining prior to implementing this training assignment.
6. National Guard Technicians may be required to carry a weapon when the duties of their position require it (TPR 900, Chapter 937).

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7. National Guard Dual-Status and Non-Dual Status Technicians may be authorized official duty time to participate in voluntary Physical Fitness Programs (PFPs). While not mandatory, with the exception of paragraph 2 above, technicians are encouraged to participate in PFPs (5 U.S.C., Section 7901).

8. National Guard Technicians cannot be required to receive immunizations in technician status necessary for active military duty assignments or deployment. Immunizations should be given in an inactive duty or active duty status (Surgeon General Log Letter 03-035, 1 Jul 03, AR 40-562; NGR 40-501).

9. National Guard Technicians may be required to fire a weapon for range firing and weapons qualification while in technician status. A recent DC Circuit Court of Appeals Decision, No. 03-1141, dated March 12, 2004, makes the implementation of range firing "a negotiable condition of employment" for bargaining unit personnel. This means the training is an assignment of work, however, union proposals regarding "how" this training is to be assigned may require impact and implementation bargaining prior to implementing this training assignment.

10. Point of contact for this memorandum is George DeMarse, Human Resources Management Specialist (Labor Relations) at DSN 327-5498 or commercial (703) 607-5498.


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